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THE TIMES.

JAMES W. ALBRIGHT,
EDITOR AND PROPRIETOR.

Terms.

Notice to Subscribers.

To Advertisers.

THE GRAVE.

BY LOTTIE LINWOOD

No sorrows haunt the peaceful tomb,
No darkest anguish lurks the brow;
No fears disturb—no longings come
To break upon its solemn rest.

It is cold, and soft, and lies afar
The low grave seems to me to day!
And Death is but a dreamy lull
To soothe life's great unrest away.

And yet I dread that lethean stream;
My fettered trembles in its wave;
But there is beauty in the dream
Of life beyond the peaceful grave.

THE STAY LAW.

AN ACT TO CHANGE THE JURISDICTION OF THE COURTS AND THE RULES OF PLEADING THEREIN.

SEC. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the several Superior Courts of Law shall have exclusive original jurisdiction to hear, try and determine all cases of a civil nature whatever at the common law, which may require the intervention of a jury.

SEC. 2. *Be it further enacted,* That there shall be but one term of the said superior courts of law and equity, open and held in each of the counties of the State, in each year, which shall be holden at the times and places now required by law for holding the Fall Term of said court, and all laws requiring the holding of the term of said courts are hereby repealed.

SEC. 3. *Be it further enacted,* That all action brought in the said superior courts of law and equity the defendant or defendants shall not be compelled to plead thereto for twelve months from the return term.

SEC. 4. *Be it further enacted,* That in all cases where suits have already been brought and are now pending in any of the superior courts of law and equity, it shall be the duty of the said court, and it is hereby required to give the defendant or defendants further time for trial until the Fall term of 1862, when the same shall stand for trial as other suits, and in all suits which may have been heretofore brought returnable to the Fall term of 1861, the defendant or defendants shall not be compelled to plead or answer thereto for twelve months.

SEC. 5. *Be it further enacted,* That the courts of pleas and quarter sessions of the several counties, except the counties of Transylvania, Clay, Mitchell and Alleghany, each of which counties shall have one court of pleas and quarter sessions every year, which shall be holden in Transylvania on the 3d Monday in August, and in Clay on the last Monday in August, and in Mitchell on the second Monday in September, and in Allegany on the fouth Monday in October in each year, shall not have jurisdiction of any civil case in which the intervention of a jury may be necessary; and it shall be the duty of the clerk of said court to make up a record in all civil cases now pending in the said courts of pleas and quarter sessions, and file the same, together with the original papers, with the clerks of the superior courts of law, on or before the fall term of the superior courts of the law in their respective counties; and it shall be the duty of the clerks of the superior courts of law to enter the said case upon their appearance docket, and the same shall stand for trial to the said term of the said superior court as other case now pending in said court.

SEC. 6. *Be it further enacted,* That in all cases in which judgments have heretofore been taken in either the Superior or County Courts, and upon which executions have issued, it shall be the duty of the sheriff or other officer in whose hands such executions have been placed for collection to endorse a levy upon the property of the defendant or defendants, sufficient to satisfy the same and return such executions without making a sale; and upon return it shall be the duty of the clerk to issue a *venditioni exponas, or fieri facias,* at the election of the plaintiff, returnable to that term of the succeeding court which is held twelve months from the test of such *venditioni exponas, or fieri facias* and that all alias executions upon judgments heretofore taken shall be returnable in like manner.

SEC. 7. *Be it further enacted,* That so much of the 17th section of the 105th chapter of the Revised Code as subjects sheriffs to a penalty of one hundred dollars for not executing and returning process be and the the same is hereby repealed, as to all penalties incurred since the passage of a bill at the last regular session of the General Assembly, entitled "a bill to prevent the sacrifice of property, and for the relief of the people," and as to all future penalties.

SEC. 8. That *capias ad satisfaciendum* shall issue from any of the courts or from any justice of the peace upon any judgment now existing, or upon any judgment which may be hereafter obtained in any of the said courts, or before any justice of the peace.

SEC. 9. That it shall be the duty of all constables and other officers to levy any executions which may be in their hands issued upon judgment heretofore issued by magistrates, and to return the same together with said levies to the justices of the peace who issued the same, or to some other magistrate in said county, whose duty it shall be, upon the application of the plaintiff, to issue a *venditioni exponas,* not returnable sooner than twelve months from the date thereof.

SEC. 10. That hereafter all civil warrants issued by justices of the peace shall be made returnable for trial twelve months after the date of issuing such warrant and not before; and no justice of the peace shall have power or jurisdiction to try any such warrants before the expiration of twelve months from the issuing of the same, provided that the defendant or defendants are residents of this State; and all executions issued by a justice of the peace shall be made returnable twelve months from the issuing of the same; and upon the trial of such warrant.—Either party may appeal from the judgment to the next succeeding fall term of the superior court of the county where the warrant is tried by giving security as is now provided by law, in case of appeal from justice judgments; but if the defendant or defendants make oath that he or they are unable to give security for the amount of the judgment and costs then the justice thall grant the appeal without security; and return the paper with such affidavit to the next fall term of the superior court of said county when the defendant shall enter his plea, and the case shall be continued over and not stand for trial until the next succeeding fall term of said court.

SEC. 11. That if any sheriff clerk or other officer shall violate any of the provisions of this act, he shall forfeit the sum of two hundred dollars, to be recovered by any person suing for the same in the name of the State, and shall also be subject to indictment, and upon conviction shall fined or imprisoned at the discretion of the court.

SEC. 12. That all deeds of trust and mortgages hereafter made, and judgment confessed to secure debt shall be void as to creditors, unless it is expressly declared therein, that the proceeds of sale there under shall be appropriated to the payment of all the debt and liabilities of the trustee thinshall be trustee or mortgagee or, equally *pro rata. Provided,* That the provisions of this section shall not apply to sheriffs or other public officers who may make a mortgage or deed of trust to secure securities to their official bond.

SEC. 13. That there shall be but one term of the supreme court of the State which shall be held in the city of Raleigh at the usual time for holding the summer term thereof, and all laws which require the winter term of same court to be held are hereby repealed, and the judges of the said court are not required to hold the winter term thereof.

SEC. 14. That the Morganton term of said court shall be discontinued, and it shall be the duty of the clerk of the court held heretofore in the town of Morganton, to transmit to the clerk of the court held in the city of Raleigh all the records, books and papers pertaining to said court, in Morganton, on or before the second Monday in June next, and it shall likewise be the duty of the clerk of the court of Morganton to expose to sale [illegible] the library at Morganton, except such books as the judges of the supreme court shall direct to be transmitted to the city of Raleigh; at public auction to the highest bidder for cash and pay the proceeds [illegible] into the public treasury, after repaying [illegible] the amount advanced by members of the [illegible] bar in its purchase and preservation: [illegible] that members of the bar who have placed [illegible] law books in said library for the benefit of the court, shall be permitted to withdraw them before the sale.

SEC. 15. That all matters and causes now remaining undetermined in said court at Morganton shall be docketed in the court at Raleigh, in such order as Governor of the United States the judges shall prescribe, and shall be heard and determined, and [illegible] of said court in Morganton shall make all reports [illegible] reports touching all matters referred [illegible] to him, to the courts in Raleigh as fully and completely as the same shall be [illegible]